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RCE/1600

# **REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL**

Subsection (b) of 35 U.S.C. § 132, effective on May 29, 2000, provides for continued examination of an utility or plant application filed on or after June 8, 1995.  
See The American Inventors Protection Act of 1999 (AIPA).

Application Number	09/826,431
Filing Date	4/4/2001
First Named Inventor	Jerome J. Cuomo
Group Art Unit	1639
Examiner Name	My Chau T Tran
Attorney Docket Number	5051-511

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application. Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See instruction Sheet for RCE's (not to be submitted to the USPTO) on page 2.

## 1. Submission required under 37 C.F.R. § 1.114

- a. ☒ Previously submitted Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).
- i. ☒ Consider the amendment(s)/reply under 37 C.F.R. § 1.116 previously filed on October 7, 2003  
(Any unentered amendment(s) referred to above will be entered).
- ii. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on \_\_\_\_\_
- iii. ☐ Other \_\_\_\_\_
- b. ☐ Enclosed
- i. ☐ Amendment/Reply
- ii. ☐ Affidavit(s)/Declaration(s)
- iii. ☐ Information Disclosure Statement (IDS)
- iv. ☐ Other \_\_\_\_\_

## 2. Miscellaneous

- a. ☐ Suspension of action on the above-identified application is requested under 37 C.F.R. § 1.133(c) for a period of \_\_\_\_\_ months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. § 1.17(i) required)
- b. ☒ Other \_\_\_\_\_ Petition for Extension of Time \_\_\_\_\_

## 3. Fees

The RCE fee under 37 C.F.R. § 1.17(e) is required by 37 C.F.R. § 1.114 when the RCE is filed.

- a. ☒ The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 50-0220
- i. ☒ RCE fee required under 37 C.F.R. § 1.17(e) (\$385.00 - small entity)
- ii. ☒ Extension of time fee (37 C.F.R. § 1.136 and 1.17) (\$210.00 - small entity)
- iii. ☐ Other \_\_\_\_\_
- b. ☐ Check in the amount of \$ \_\_\_\_\_ enclosed
- c. ☐ Payment by credit card (Form PTO-2038 enclosed)
- d. ☒ If necessary, the Director is hereby authorized to charge any deficiencies, or credit any overpayments, to Deposit Account No. 50-0220

Myers Bigel Sibley & Sajovec, P.A., P. O. Box 37428, Raleigh, North Carolina 27627,  
Telephone: (919) 854-1400, Facsimile: (919) 854-1401, Customer No. 20792

### **SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED**

Name (Print/Type)	Laura M. Kelley	Registration No. (Attorney/Agent)	48,441
Signature		Date	January 7, 2004

### **CERTIFICATE OF MAILING OR TRANSMISSION**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, or facsimile transmitted to the U.S. Patent and Trademark Office on: January 7, 2004

Name (Print/Type)	Carey Gregory	Date	Jan 7 2004
Signature			

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